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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

The House of Representatives concurred in Senate amendments to **H.3053**, a bill pertaining to the means by which the state or its political subdivisions may recover losses that result from **EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS OR PROPERTY**. The House ordered the bill enrolled for ratification. This bill creates a general lien upon any public retirement or pension plan not governed by ERISA (the Employee Retirement Income Security Act of 1974) of any public officer, public employee, or any other person who is convicted of an offense involving embezzlement or misappropriation of public funds or public property to the private use of himself/herself or any other person. The lien is to the extent of the total loss, damage, and expense to the State, to a county or municipality, or to any agency or political subdivision of the State, or to any state, county or municipal agency, any college or university, or to any school, special or public service district within the State, that is authorized by law to perform a governmental function or provide a governmental service. **H.3053** provides that the lien attaches upon the date of conviction and establishes other provisions regarding the duration of the lien. In addition to any to any other sentence imposed upon a person for embezzlement, the bill allows the presiding judge the option to require full restitution of all public funds embezzled and full payment for the conversion, use, and value of public property appropriated to private use. Also under **H.3053**, the presiding judge may provide for an indeterminate sentence of incarceration or probation, or both until restitution in full has been made. In cases where a living individual has been convicted of a pertinent offense, the lien attaches to applicable public retirement or pension plans immediately upon approval of the act by the Governor. **H.3053** provides procedures whereby a convicted person's spouse or representative of the person's minor children may file a petition with the presiding judge requesting the judge resolve the lien, in whole or in part, in favor of the spouse or minor children because the spouse or minor children would suffer extreme financial hardship if the lien were to attach. If the convicted person is divorced and subject to a Qualified Domestic Relations Order, then the lien shall not attach to the alternate payee's portion of the retirement benefit, unless the alternate payee has been convicted of the same offense involving embezzlement of public funds for which the lien was created. If the convicted person's pension benefit is subject to an order for child support, then the lien shall not attach to the portion of the convicted person's benefit which goes to pay support for any minor child who has not been convicted of the same offense involving embezzlement of public funds for which the lien was created.

The House amended, approved, and sent to the Senate **H.3290**, a bill revising the **PRACTICE OF OPTOMETRY**. The legislation modifies the current statutory limitation of the types of drugs an optometrist may use to diagnose and treat eye disease. Existing law allows optometrists to use topical drugs and four categories of oral drugs (antihistamines, antimicrobial, antiglaucoma, and analgesics) to treat



eye disease. The legislation allows an optometrist to use any oral medication (except for Schedule I and II controlled substances) rational for the treatment of eye disease. The legislation specifically limits the use of these drugs so that, when used by an optometrist, they only can be used to treat eye disease. The legislation places additional conditions on an optometrist's use of oral steroids. When prescribing an oral steroid, an optometrist must consult with a physician prior to the prescription and notify the patient of the physician's recommendation. An optometrist may not consult with a physician without the prior consent of the patient. When an optometrist prescribes an oral steroid, a written report of this treatment must be made to the patient's primary care physician or to another physician or medical clinic designated by the patient. The legislation would allow an optometrist to use an epinephrine auto-injector (Epi-Pen) in an emergency to start treatment for anaphylaxis (allergic shock) if the patient's symptoms and medical history do not preclude its use. After an Epi-pen is used by an optometrist, the patient must immediately be triaged to an appropriate medical facility. The legislation also eliminates several provisions that require optometrists to consult with and/or refer patients to physicians.

The House amended, approved, and sent to the Senate **H.3319**, the **SOUTH CAROLINA PERPETUAL CARE CEMETERY ACT**. This legislation brings statutory provisions related to cemeteries under a newly created enforcing public body, the Perpetual Care Cemetery Board, to be administered with the assistance of the Department of Labor, Licensing and Regulation. No such body has existed to enforce cemetery provisions since 1992 when the previous board under the Secretary of State was not reauthorized. In the absence of such a board, the Secretary of State and the Consumer Advocate have been involved in cemetery issues. The legislation establishes requirements for licenses that cemeteries would have to meet and provides for consumer protection provisions regarding the purchase of cemetery lots and merchandise and the operation of cemetery businesses. The legislation allows all existing cemeteries, whether or not they are perpetual care cemeteries, to continue to operate. Existing perpetual care cemeteries must comply with the requirements of the legislation by January 1, 2002. Under the legislation, all new cemeteries are required to be perpetual care cemeteries except for government cemeteries, nonprofit cemeteries, church cemeteries, and family burial grounds.

The House approved and sent to the Senate **H.3598**, a bill that **PROHIBITS VEHICLE GLASS REPAIR BUSINESSES FROM OFFERING INCENTIVES FOR CUSTOMER REFERRALS**. The bill provides that it is an unfair trade practice and unlawful for a person who is engaged in the vehicle glass repair business to: (1) offer or make a payment to a third person for the third person's referral of an insurance claimant to the vehicle glass repair business for vehicle glass repairs; or (2) waive, rebate, give, or pay all or part of an insurance claimant's casualty or property insurance deductible as consideration for selecting the vehicle glass repair business.

The House approved and sent to the Senate **H.3613**, a bill that requires the **PALMETTO UTILITY PROTECTION SERVICE (PUPS)** to file an annual report with the

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Senate and House Labor, Commerce and Industry Committees detailing its activities and operations including such information as average speed of answer, abandoned call rate, transmit times, total number of locate requests, total number of transmissions, and a disaster recovery plan. The Palmetto Utility Protection Service is a corporation formed and funded by participating utility companies and municipalities to reduce damage to utilities in the interest of improved service and community and job safety. PUPS maintains a computerized notification center that someone intending to dig underground may contact to notify and receive information from the utilities that operate underground facilities.

The House approved and sent to the Senate Joint Resolution **H.3792**. This joint resolution provides that, notwithstanding any other provision of law, every valid **LICENSE AND PERMIT TO OPERATE A MOTOR VEHICLE** issued by the Department of Public Safety that is subject to renewal and required by law to be renewed in the months of March, April, or May of 2001 is extended and unless suspended or revoked for cause in the interim, must remain in full force and effect until June 30, 2001. The extension of valid licenses and valid permits under this section is automatic and the holder of a license or permit is not required to contact the department, pay a fee, be tested for vision, or be reexamined until and unless the license or permit is renewed on or before June 30, 2001 in accordance with the provisions of Article 1, Chapter 1, Title 56 of the 1976 Code. A license or permit that expires during March, April, or May of 2001 that is not renewable is not extended by this section.

The House amended, approved, and sent to the Senate **H.3372**, a bill providing **IMMUNITY FOR THE RENDERING OF FREE EMERGENCY CARE FOR ANIMALS**. The legislation, as amended, provides that any person, including a person licensed to practice veterinary medicine, or an animal control officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or any society incorporated for that purpose, who in good faith and without compensation for services provided, acting without malice, recklessness or gross negligence, renders emergency care or treatment to a domestic animal which is abandoned, ill, injured or in distress related to an accident or disaster, shall not be liable or subject to any civil or criminal liability for any injuries or harm to such animal resulting from the rendering of such care or treatment, or any act or failure to act to provide or arrange for further medical treatment or care for such animal.

The House approved and sent to the Senate **H.3642**, a bill pertaining to the issuance of **NONNATIVE AQUATIC SPECIES PERMITS**. This bill makes revisions regarding the special permits issued by the Department of Natural Resources for importing piranha, freshwater electric eels, walking catfish, sea lampreys and other specified nonnative fish for research purposes. The bill provides that such permits may also be issued to fulfill an educational purpose. The bill provides that the department must condition all such permits to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State.



The House amended, approved, and sent to the Senate on H.3359, a bill revising provisions relating to the **SALE OF DEER OR DEER PARTS**. The bill provides that the sale of deer parts is not prohibited, unless otherwise specified under the revised provisions. The legislation provides that it is unlawful to buy or sell, offer for sale, barter, or have in possession for sale the following: any live deer (family cervidae), any whitetail deer gametes or antler velvet, any whitetail deer antlers attached to the pedicel, or the venison of any deer except for specifically exempted venison. The legislation provides that these provisions do not apply to the sale or purchase of exotic farm-raised venison products that are fully cooked or preserved in a manner allowing for human consumption with no further preparation. Any product offered pursuant to this paragraph must bear official marks of inspection by the United States Department of Agriculture or the State Livestock-Poultry Health Commission. Official marks of inspection must be maintained on the product or product package until removed by the consumer. Any product offered under this exemption must be referred to as being from exotic farm-raised venison or similar designation indicating the origin of the product.

The House approved and sent to the Senate H.3805, a bill relating to seasons, times, methods, equipment, size and take limits for **SHAD, HERRING, AND STURGEON IN THE SANTEE RIVER**. The bill provides for seasons, times, methods, equipment, size and take limits in that portion of the Santee River below the cable and buoys marking the seaward boundary of the Wilson Dam Sanctuary designated by the Department of Natural Resources seaward to Wilson Dam Landing. The bill further provides for no open season in the Santee River seaward of Wilson Boat Landing.

## SENATE

The Senate concurred in the House's amendment to H.3303, a bill ratifying the **LOTTERY AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION** approved by voters at the general election of 2000. H.3303 was ordered enrolled for ratification. The bill eliminates the State constitution's prohibition on lotteries, their advertising, and ticket sales, and provides that lotteries may be conducted only by the State. The revenue derived from the lotteries must first be used to pay all operating expenses and prizes for the lotteries. The remaining lottery revenues must be credited to a separate fund in the state treasury, the 'Education Lottery Account,' and the earnings on this account must be credited to it. Education Lottery Account proceeds may be used only for education purposes as the General Assembly provides by law.

H.3451 was ordered enrolled for ratification. This bill provides that light duty **CONSUMER RENTAL TRUCKS** are subject to the same administrative regulations and tax requirements as private passenger rental automobiles. Under the bill, companies renting light duty consumer rental trucks are required to collect on their rental contracts the five percent surcharge that is collected for other private passenger automobile rentals.

**H.3098** was ordered enrolled for ratification. This bill provides that **PURPLE HEART RECIPIENTS** may be issued no more than two permanent special license plates. Currently, Purple Heart recipients may be issued only one such plate.

**H.3173**, a bill establishing a **NO WAKE ZONE ON A PORTION OF THE COOPER RIVER**, was ordered enrolled for ratification. The legislation establishes a no wake zone on a portion of the Cooper River lying between Bushy Park and Moncks Corner, beginning at channel marker 13 near or in the vicinity of Pimlico Plantation and running to the water check station near or in the vicinity of Bluff Plantation.

The Senate amended and returned to the House **H.3237**, a bill pertaining to the use of **BREAM AS BAIT ON TROT LINES**. This bill removes the prohibition on the use of bream as bait on certain trotlines after June 30, 2001, on the Edisto, Black, Sampit, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers. The Senate amended the bill to also remove the prohibition on the Santee River. The bill removes another prohibition on the use of bream as bait on certain trotlines after June 30, 2001, on the Black, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers.

The Senate amended, approved, and sent to the House **S.62**. This bill revises provisions relating to the **PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS**, so as to provide that members of the board of the authority appointed from Horry, Berkeley, and Georgetown Counties must be customers of the authority and reside in authority territory.

**S.211**, relating to **DRIVING WITHOUT A LICENSE, DRIVING UNINSURED**, was approved by the Senate and sent to the House. Currently, a charge of driving a motor vehicle without a driver's license, or a charge of failing to maintain proof that a motor vehicle is insured, must be dismissed if the person provides proof, within seven days of being charged with the violation, of being a licensed driver or proof that the motor vehicle was insured at the time of the violation. This bill provides that such charges must be dismissed if the proof of license or the proof of insurance is provided on or before the date the matter is set to be disposed of by the court.

The Senate approved and sent to the House **S.219**, a bill relating to the **INVESTMENT OF STATE FUNDS**. This bill authorizes the State Treasurer to invest State funds in corporations and in states and political subdivisions outside of South Carolina, so long as the obligations are denominated in United States dollars and the obligations bear an investment grade rating of at least two nationally recognized rating services. The bill also authorizes investment in guaranteed investment contracts issued by a domestic or foreign insurance company or other financial institution, whose long-term unsecured debt rating bears the two highest ratings of at least two nationally recognized rating services. Under the bill, the State Treasurer is authorized to contract to lend invested securities.

**S.356** was approved by the Senate and sent to the House. This bill designates as a **SCENIC RIVER** the portion of the Black River located between the Clarendon County



Road No. 40 bridge crossing of the Black River and downstream to the Pea House Landing at the end of Georgetown County Road No. 38.

**S.190**, relating to the **CLOSING OF ROADS AND BRIDGES FOR REPAIRS**, was approved by the Senate and sent to the House. This bill requires the Department of Transportation to notify a county's legislative delegation before the department closes a bridge or road for repairs that will not be completed within a forty-five-day period. However, this provision does not apply when the department must close a bridge or road pursuant to an emergency situation.

The Senate approved and sent to the House **S.318**, a bill relating to the **PROTECTION OF FISH**. This bill provides that it is unlawful to harvest striped bass and striped bass hybrids in the Savannah River from the Augusta Diversion Dam downstream to Fields Cut and the Atlantic Intracoastal Waterway. This harvest restriction is in effect until June 30, 2006.

The Senate approved and sent to the House **S.12**, a bill relating to **CHARTER SCHOOLS**. Highlights of this legislation include the following:

- **Findings/Intent**

The legislation includes a statement that *"because the state no longer sanctions a system of segregated schools, it is the intent of the General Assembly that creation of this chapter encourages cultural diversity, educational improvement, and academic excellence. Further, it is not the intent of the General Assembly to create a segregated school system but to continue to promote educational improvement and excellence in South Carolina."*

- **Fingerprinting/Noncertified Teachers**

The legislation amends the definition of "noncertified teacher" for purposes of charter schools. "Noncertified teacher" is currently defined as an individual considered appropriately qualified for the subject matter taught, and who has been approved by the charter committee of the school. The legislation strikes the requirement for approval by the school's charter committee, and adds a requirement for completion of at least one year of study at an accredited college or university and a requirement for state fingerprint review.

- **Teacher Qualifications for Teaching Core Subjects**

The legislation provides that in either a new or converted charter school, a teacher teaching in the core academic areas of English/language arts, math, science, or social studies must be certified in those areas, or possess a baccalaureate or graduate degree in the subject he or she is hired to teach.

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The legislation also provides that a charter school may hire in its discretion administrative staff to oversee daily operation of the school, and at least one of the administrative staff must be certified in the field of school administration.

- **Racial Composition**

The legislation includes a requirement that the racial composition of the charter school enrollment reflect that of the school district or that of the targeted student population which the charter school proposes to serve, as differing by no more than twenty percent.

- **Percent Preference for Charter Committee Children**

The legislation provides that children of the charter committee may be given enrollment priority so long as their enrollment does not constitute more than twenty percent of the enrollment of the charter school.

- **Interscholastic Participation**

The legislation adds a provision to the law that the charter contract may include participation in agreed upon interscholastic activities at a designated school within the sponsor district. The legislation further provides that students participating under this agreement shall be considered eligible to participate in league events if all other eligibility requirements are met.

- **Enrollment Assurance**

The legislation revises the current requirement that the charter school application must include a description of how the charter school plans to ensure that the enrollment of the school is similar to the racial composition of the school district, by providing that the charter school application must include a description of how the school plans to ensure that the enrollment is similar to the racial composition of the school district or the targeted student population the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect.

- **Consideration of Applicant's or School's Efforts to Obtain Racial Composition Percentage**

The legislation provides that in the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district or the targeted student population by more than twenty percent, despite its best efforts, the local school district's board shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the



applicant or charter school is operating in a non-discriminatory manner. A finding by the local school district board that the applicant or charter school is operating in a racially discriminatory manner may justify the denial of a charter school application or the revocation of a charter school. A finding by the local school district board that the applicant is not operating in a racially discriminating manner shall justify approval of the charter without regard to the percentage requirement if the application is acceptable in all other aspects.

- **Conditional Authorization of Charter**

Current law provides that a local school board "may" conditionally authorize a charter school before the applicant has secured its space, equipment, facilities, and personnel if the applicant **indicates** such authority is necessary for it to meet the relevant statutory requirements. This legislation changes this language so as to provide that a local school board "shall" conditionally authorize a charter school if the application is acceptable in all other aspects but the applicant has not secured its space, equipment, facilities, or personnel and the applicant **verifies that** such authority is necessary for it to acquire the space, equipment, facilities, or personnel needed to meet the relevant statutory requirements.

- **Duration of Charter Contract**

Current law provides that a charter may be approved or renewed for a period not to exceed three school years. This legislation provides that a charter may be approved or renewed for a period of **five** school years, and provided that the charter may be revoked or not renewed pursuant to specified statutory provisions.

- **Out of District Transfers to Charter Schools**

The legislation provides that a child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence; however, the receiving charter school shall have authority to grant or deny permission for the student to attend according to the terms of the charter after in-district children have been given priority in enrollment. The legislation also provides that the out-of-district enrollment shall not exceed twenty percent of the total enrollment of the charter school without the approval of the sponsoring district board of trustees. The legislation also provides that the district sending children to the charter school must be notified immediately of the transferring students, and out-of-district students must be considered based on the order in which their applications are received. The legislation further provides that if the twenty percent out-of-district enrollment is from one school district, then the sending district must concur with any additional students transferring from that district to

attend the charter school. The charter school to which the child is transferring shall be eligible for state and federal funding.

- **Surplus Buildings**

The legislation includes a provision that if a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the district must be given first refusal to purchase or lease the building under no more than the same terms and conditions it would be offered to the public.

## **HOUSE COMMITTEE ACTION**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

The full Agriculture, Natural Resources, and Environmental Affairs Committee met on Tuesday, March 27, and reported out several bills.

The committee took up joint resolution **H.3715** pertaining to an **ALLIGATOR FARMING PILOT PROGRAM**. The committee approved the legislation as a committee joint resolution, **H.3821**. This joint resolution establishes a three-year pilot program of alligator farming for the purpose of determining the feasibility of alligator farming for poultry mortality disposal. The joint resolution provides that, until July 1, 2004, any person eighteen or older may establish an alligator farm for the purpose of poultry mortality disposal by complying with the terms and conditions specified in the joint resolution.

The committee submitted a report of favorable with amendments on **H.3361**, a bill **RESTRICTING HUMAN INTERACTION WITH MAMMALIAN DOLPHINS AND PORPOISES**. The legislation approved by the committee provides that, except when authorized by a federal permit, it is unlawful for any person to catch, attempt to catch, feed, feed by hand, kill, or harass any mammalian dolphin or porpoise. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both.

The committee submitted a favorable report on **H.3087**. This bill conforms the **OPEN SEASON FOR TAKING ANTLERED DEER** in Game Zone 1 to the open season for taking antlered deer in Game Zone 2.

The committee gave a report of favorable with amendments on **H.3372**, a bill providing **IMMUNITY FOR THE RENDERING OF FREE EMERGENCY CARE FOR**



**ANIMALS.** The bill was amended and approved by the full House this week (see House Week in Review, this issue).

The committee reported favorably on **H.3642**, a bill pertaining to the issuance of **NONNATIVE AQUATIC SPECIES PERMITS**. The bill was approved by the full House this week (see House Week in Review, this issue).

The committee gave a report of favorable with amendments on **H.3359**, a bill revising provisions relating to the **SALE OF DEER OR DEER PARTS**. The bill was amended and approved by the full House this week (see House Week in Review, this issue).

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee gave a report of favorable with amendment to **H.3590**, which ***AS INTRODUCED***, **INCREASES THE FEE FOR A TEMPORARY ALCOHOL-RESTRICTED DRIVER'S LICENSE FROM THIRTY DOLLARS TO ONE HUNDRED DOLLARS**, and requires that twenty-five dollars of the one hundred dollar fee must be retained by the Department of Public Safety (DPS) for supplying and maintaining vehicle videotaping equipment, and the remaining seventy-five dollars must be retained by DPS. Currently, twenty-five dollars of the thirty dollar fee is retained by DPS for vehicle videotaping equipment and the remaining five dollars is retained by DPS for administrative costs associated with issuance of the temporary alcohol-restricted licenses.

***AS AMENDED BY THE COMMITTEE***, **H.3590** requires that twenty-five dollars of the one hundred dollar fee must be retained by DPS for supplying and maintaining vehicle videotaping equipment, **TWENTY-FIVE DOLLARS MUST BE DISTRIBUTED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES FOR USE IN EDUCATING PERSONS UNDER THE AGE OF TWENTY-ONE ABOUT THE DANGERS OF DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND OTHER DRUGS**, and the remaining fifty dollars must be retained by DPS.

The Committee adjourned debate on **H.3272**, which authorizes the Department of Public Safety to issue **SPECIAL NASCAR LICENSE PLATES**.

The Committee recommitted to subcommittee **H.3117**, which, among other things, **REQUIRES THE DEPARTMENT OF PUBLIC SAFETY TO SUSPEND THE DRIVER'S LICENSE AND MOTOR VEHICLE REGISTRATION OF A PERSON UPON CERTAIN NOTIFICATION THAT PROPERTY TAXES OWED BY THE PERSON ON A MOTOR VEHICLE HAVE NOT BEEN PAID WITHIN A PRESCRIBED TIME LIMIT**.

The Committee gave a favorable report to **H.3306**, **WHICH PROHIBITS THE DEPARTMENT OF PUBLIC SAFETY FROM ISSUING A DRIVER'S LICENSE TO OR RENEWING THE DRIVER'S LICENSE OF, AN ILLEGAL ALIEN**.

The Committee gave a report of favorable with amendment to **H.3427**. **AS INTRODUCED**, this bill provides for **SPECIAL LICENSE PLATES FOR WORLD WAR II VETERANS** and provides that a portion of the ten dollar fee for issuance of the plates must be used to support and promote ROTC programs in the state's public schools.

**AS AMENDED BY THE COMMITTEE**, **H.3427** permits the Department of Public Safety (DPS) to issue the special license plates to World War II veterans **OR THEIR SPOUSES**, and changes the fee for the issuance of the special plate from ten dollars to **TWENTY DOLLARS BIENNIALY**. The Committee also amended the bill so as to provide guidelines for production and distribution of these special plates.

The Committee gave a favorable report to **H.3614**, which provides for **INCLUSION OF THE WORDS "DISABLED VETERAN" ON THE SPECIAL LICENSE PLATE CURRENTLY AVAILABLE FOR ISSUANCE TO DISABLED VETERANS**. The bill also substitutes the word "plate" for "tag" and provides that the special number (currently provided for) is to be imprinted on the plate.

## JUDICIARY

The full Judiciary Committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet this week.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## WAYS AND MEANS

The full Ways and Means Committee did not meet this week.



## BILLS INTRODUCED IN THE HOUSE

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

#### **H.3838 DAMAGE OR DESTRUCTION OF RESEARCH FARM PRODUCTS**

**Rep. Witherspoon**

This bill provides that any person that maliciously damages or destroys any farm product, and knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency is guilty of a misdemeanor if the value of the farm product was less than two hundred dollars and, upon conviction, must be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. If the value of the farm product is two hundred dollars or more, the person is guilty of a felony and, upon conviction, must be punished by a fine of not more than ten thousand dollars or imprisonment for not more than five years, or both. The court may order the defendant to make restitution for the damage or destruction caused.

#### **S.248 USE OF WILDLIFE MANAGEMENT AREAS** Sen. Martin

This bill provides that the Department of Natural Resources may promulgate regulations for the protection, preservation, operation, maintenance, and use of wildlife management areas and land owned by the department including hiking, rock climbing, operation of motorized and nonmotorized vehicles, swimming, camping, horse riding, operation of boats, possession of pets, gathering plants, use of fire, except by the department for management purposes, polluting or contaminating any water, acting in a disorderly manner or creating any noise which would result in annoyance to others, operating or using audio device, including radio, television, musical instruments, or any other noise producing devices, such as electrical generators, and equipment driven by motor engines, in such a manner and at such times as to disturb other persons and no person shall operate or use any public address system. A person violating these provisions is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

#### **S.356 PORTION OF BLACK RIVER DESIGNATED A SCENIC RIVER**

**Sen. McGill**

This bill designates as a Scenic River the portion of the Black River located between the Clarendon County Road No. 40 bridge crossing of the Black River and downstream to the Pea House Landing at the end of Georgetown County Road No. 38.

## EDUCATION AND PUBLIC WORKS

### **S.190 CLOSING OF BRIDGES OR ROADS FOR REPAIR Sen. Grooms**

This bill requires that the Department of Transportation notify a county's legislative delegation before the department closes a bridge or road for repairs that will not be completed within a forty-five day period, except when the closing is pursuant to an emergency situation.

### **S.211 DRIVING WITHOUT A LICENSE, DRIVING UNINSURED Sen. Ryberg**

Currently, a charge of driving a motor vehicle without a driver's license, or a charge of failing to maintain proof that a motor vehicle is insured, must be dismissed if the person provides proof, within seven days of being charged with the violation, of being a licensed driver or proof that the motor vehicle was insured at the time of the violation. This bill provides that such charges must be dismissed if the proof of license or the proof of insurance is provided **on or before the date the matter is set to be disposed of by the court.**

### **H.3836 TRAFFIC ON ONE WAY STREETS Rep. Kirsh**

This bill provides that vehicular traffic in the leftmost lane on a one-way street, facing a red light, and at an intersection with another one-way street with traffic traveling from the turning driver's right to the turning driver's left may enter the intersection and make a left turn into the extreme left-hand lane lawfully available to traffic. The bill provides that the turning vehicle shall come to a complete stop and yield the right-of-way to pedestrians and to other traffic using the intersection.

### **H.3839 HANDICAPPED PLACARDS AND LICENSE PLATES Rep. Miller**

This bill provides that a placard or license plate which allows a handicapped person to park free of charge, must have the handicapped person's driver's license number of special identification card number printed on it.

## JUDICIARY

### **S.60 CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE Sen. Ford**

Under this bill, it is unlawful to: (1) cause great bodily injury to a person's own household member, or (2) offer or attempt to cause great bodily injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril. A person who violates this provision is guilty of the offense of criminal domestic violence of a high and aggravated nature, a felony, and, upon conviction, must be fined not more than three thousand dollars or imprisoned not more than ten years, or both. Also under this bill, criminal domestic violence of a high and aggravated nature would be considered a violent crime. The bill further provides that evidence discovered as a result of a warrantless search administered pursuant to a complaint filed under Chapter 25 (Criminal Domestic Violence), Title 16 (Crimes and Offenses) is admissible in a court of law under certain circumstances.



**S.92 PROBATE COURT REVISIONS Sen. Wilson**

This legislation deletes the requirement that a deed of distribution be examined by the Probate Court before filing or that it be accompanied by an affidavit to attest to its accuracy and completeness in regard to the named grantee or grantees. Current law provides that unless notice has been given, a personal representative upon his/her appointment must publish a notice to creditors once a week for three successive weeks in a newspaper of general circulation in the county announcing his or her appointment and address and notifying creditors of the estate to present their claims within eight months after the date of the first publication of the notice or be forever barred. This legislation reduces the time frame that creditors of the estate have to make claims against the estate from eight months to four months.

**S.338 LOBBYISTS AND LOBBYIST PRINCIPALS Sen. Richardson**

Current law provides that each lobbyist and lobbyist principal who ceases to engage in lobbying requiring the lobbyist or lobbyist principal to register must file a written statement with the State Ethics Commission acknowledging the termination of lobbying. Current law provides that the written statement of termination is effective immediately; **S.338** deletes this provision. Under this legislation, each lobbyist and lobbyist principal who files a written statement of termination must file reports during the period the lobbyist/lobbyist principal was registered. Current law requires lobbyists and lobbyist principals to register with the State Ethics Commission by January 5<sup>th</sup> of each year. Under this legislation, registration is for the remainder of the calendar year.

**H.3802 ARSON Rep. J. Young**

This bill amends *South Carolina Code of Laws* §16-11-110, relating to arson, so as to provide that the burning must result in damage to a building or structure. Under this bill, the term 'damage' as it relates to arson would mean an application of fire or explosive that results in burning, charring, blistering, scorching, smoking, singeing, discoloring or changing the fiber or composition of a building, structure, or any property specified in this section.

**H.3807 PROXIMITY REQUIREMENTS FOR ESTABLISHMENTS AND PLACES OF BUSINESS WITH LIQUOR LICENSES Rep. Fleming**

This bill pertains to proximity requirements for establishments and places of business with liquor licenses. Under this bill, these proximity requirements would be extended to child daycare facilities. Also, the bill revises the method of measuring these requirements so as to provide that measurements must be made only along legal pedestrian and vehicular travel routes.

**H.3810 LIABILITY OF THE BOARD OF DIRECTORS OF PUBLIC DEFENDER CORPORATIONS Rep. Fleming**

Under this bill, the board of directors of a defender corporation is not liable for a loss resulting from the acts or omissions of the public defender, assistant defenders, or other employees acting within the scope of their official duties so long as the acts or omissions are done or made in good faith and do not constitute gross negligence, recklessness, wilfulness, or wantonness.

**H.3812 FEES COLLECTED BY THE STATE BAR Rep. Harrison**

This bill repeals *South Carolina Code of Laws* §41-5-30, relating to the fees collected by the South Carolina State Bar.

**H.3819 JURY INSTRUCTIONS PERTAINING TO LIFE IMPRISONMENT**

**Rep. Delleney**

This bill relates to the proceedings of a death penalty trial. Under this bill, if requested by the state or the defendant, the judge must charge the jury in his/her instructions that life imprisonment means until the death of the defendant without the possibility of parole.

**H.3823 TERMINATION OF ALIMONY Rep. Altman**

Under this bill, alimony would be terminated upon the continued cohabitation of the supported spouse. For purposes of this legislation, 'continued cohabitation' means the ongoing residency of the supported spouse with a person in a relationship that is tantamount to marriage, as recognized by the laws of this State.

**H.3847 "CONSUMER IDENTITY THEFT PROTECTION ACT" Rep. Simrill**

Under this bill, a consumer reporting agency may not impose a charge for: (1) a request for a copy of the consumer's file made by the consumer within sixty days after adverse action is taken; (2) giving notice to a person designated by the consumer of the deletion of inaccurate or nonverifiable information; (3) instructions for understanding the information presented on the consumer report and publication of a toll free telephone number that consumers may use to obtain additional assistance concerning the consumer report; (4) the first copy of a consumer report provided to the consumer each calendar year; and (5) up to six copies of a consumer report provided to the consumer within a twelve-month period if the consumer has been a victim of identity fraud and has provided the consumer credit agency with a copy of a valid police report confirming that fact.

If a consumer reporting agency becomes aware that an application to a card issuer to open a new seller or lender credit card account bears an address for the consumer that is different from the address in its file of the consumer, this bill requires the consumer reporting agency to give notice to each creditor who uses the consumer report. Additionally, this bill requires a seller or lender credit card issuer that mails an offer or solicitation to receive a credit card and receives a completed application that is different from the address on the offer or solicitation to verify the change of address. A person to whom an offer or solicitation to receive a seller or lender credit card is made is not liable for the unauthorized use of a credit card issued in response to that offer or solicitation if the credit card issuer does not verify the change of address before the issuance of the seller or lender credit card. However, the person may be liable if the credit card issuer proves that the person actually incurred the charge on the credit card.

A person who learns or reasonably suspects that he/she is the victim of identity theft may initiate a law enforcement investigation by reporting to a local law enforcement agency that has jurisdiction over his/her actual legal residence. If a person is convicted of unlawfully obtaining the personal identifying information of



another person without the other person's authorization and using that information to commit a crime, the court records must reflect that the person whose identity was falsely used to commit the crime did not commit the crime. A person who reasonably believes that he/she is the victim of identity theft may petition the circuit court or have the County Office of Victim Assistance petition the court for an expedited judicial determination of his/her factual innocence. Under certain circumstances, the bill allows a court at any time to vacate the determination of factual innocence.

Also, this bill requires the Attorney General to establish and maintain a database of individuals who have been the victim of identity theft. A victim of identity theft must submit to the Attorney General a copy of the police report, a full set of fingerprints, and other relevant information required by the Attorney General for inclusion in the database of identity theft victims. Access to the database is limited to criminal justice agencies and victims of identity theft. The bill requires the Attorney General to establish and maintain a toll free number to provide access to the database for identity theft victims.

If a consumer submits to a credit reporting agency a copy of a valid police report verifying that he/she is the victim of identity theft, the reporting agency must block reports of information the consumer alleges appears on his/her credit report as a result of the identity theft. Also, the bill outlines circumstances under which furnishers of information and consumer credit reporting agencies may unblock the information.

**H.3848 "PERSONAL IDENTIFYING INFORMATION PROTECTION ACT"**

**Rep. Simrill**

This bill provides for the establishment by state agencies of processes and procedures through the Office of the Secretary Of State for reasonably maintaining the privacy of an individual's personal identifying information. Also, this bill redesignates the Freedom of Information Act as Article 1 of Chapter 4, Title 30.

**H.3849 QUALIFICATIONS OF A PROBATE JUDGE** Rep. Sinclair

Current law provides that no person is eligible to hold the office of judge of probate who is not at the time of his/her election a citizen of the United States and of this State, has not attained the age of twenty-one years upon his/her election, has not become a qualified elector of the county in which he/she is to be a judge, and has not received a four-year bachelor's degree from an accredited post-secondary institution or if he/she has received no degree he must have four years' experience as an employee in a probate judge's office in this State.

Under this bill, no person is eligible to hold the office of the judge of the probate court unless the person: (1) is a citizen of the United States; (2) is a resident of the county in which the person seeks the office of judge of the probate court for at least two years before filing for election or appointment to the office and remains a resident of the county during the term of office; (3) is a registered voter; and (4) has attained the age of twenty-five years before the date of filing for election or appointment to the office (except for counties with a population of more than 200,000 residents the individual must have attained the age of at least thirty-two).

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Additionally, this bill requires that the person has not been convicted of a felony offense or any offense involving moral turpitude contrary to the law of this State, any other state, or of the United States.

Additionally, in any county with a population of more than 200,000 residents the person must (1) have been a licensed attorney at law in this State for at least eight years; or (2) has served as judge or associate judge of probate of this State for a period of at least two years before filing for election or appointment to office. In any county with a population of less than 200,000 residents but more than 125,000 residents, the person must have (1) obtained a law degree from an American Bar Association accredited law school; or (2) served as a judge or associate judge of probate in any county of this State for a period of at least two years before filing for election or appointment to the office; or (3) served as a clerk or deputy clerk of a probate court of this State for a minimum of five years before filing for election or appointment to the office.

In any county with a population of less than 125,000 residents, the person filing for election or appointment to the office shall have: (1) obtained a four year bachelor's degree from an accredited post-secondary educational institution; or (2) served as judge or associate judge of probate in any county of this State for a period of at least two years before filing for election or appointment to the office; or (3) served as a clerk or deputy clerk of a probate court of this State for a minimum of five years before filing for election or appointment to the office.

All persons holding the office of probate judge as of July 1, 2001, shall, notwithstanding the provisions of this legislation, remain eligible for election or re-election to that office.

### **H.3852 "SOUTH CAROLINA FAIR CREDIT REPORTING ACT"**

**Rep. J.E. Smith**

This bill provides that unfair methods of reporting credit history and unfair or deceptive acts in the conduct of credit reporting are unlawful. The bill further provides that the Federal Fair Credit Reporting Act as interpreted by the federal trade commission and federal courts shall furnish guidance in construing this legislation. Under this bill, consumer reporting agencies must furnish consumer reports only pursuant to circumstances permitted in the Federal Fair Credit Reporting Act. The bill provides penalties for wilful and negligent noncompliance with the terms of the legislation, and the bill provides for the jurisdiction of the state courts to hear actions brought pursuant to this legislation. With certain exceptions, there is a two-year statute of limitations to seek relief pursuant to this legislation.

### **H.3854 OBSTRUCTION OF A HIGHWAY BY A TRAIN, RAILROAD CAR, OR OTHER OBJECT** Rep. Battle

This bill relates to the unlawful obstruction of a highway by a train, railroad car, or other object. The bill revises the elements and conditions of this offense including deletion of a requirement that notice to remove the train or obstruction must first be given. Under this bill, a person who unlawfully obstructs a highway by a train,



railroad car, or other object is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. This legislation does not apply to obstruction of a public street, road, or highway by a continuously moving train or caused by circumstances wholly beyond the control of the railroad company.

**H.3855 APPOINTMENT OF AN ATTORNEY Rep. Altman**

Notwithstanding any other provision of law, under this bill a judge, court, or court official must not appoint an attorney to represent a party in an action unless the attorney expressly consents in writing.

**H.3856 REPORTING CRUELTY OF ANIMALS AND HUMANS Rep. Lourie**

This bill requires any officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or of any society incorporated for the purpose of preventing cruelty to animals, any animal control officer, to report information which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.

This bill requires (1) any officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for the purpose of preventing cruelty to animals, and (2) any animal control officer having reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited to report the incident.

This bill requires the Department of Social Services and Adult Protective Services employees to report known or suspected instances of animal cruelty, fighting, or baiting. Under the bill, any veterinarian or other person may report suspected animal cruelty, fighting, or baiting. Also, the bill provides these individuals that make reports certain immunity from civil and criminal liability.

**H.3857 CONCEALED WEAPONS PERMITS Rep. Loftis**

This bill provides for the issuance of a concealed weapons permit to a resident of this state who was not a resident of this state for at least twelve months preceding the date of his/her application, if he/she held a valid permit to carry a concealable weapon for twelve months while he/she was a resident of a state with which South Carolina has concealable weapons permit reciprocity.

## **LABOR, COMMERCE, AND INDUSTRY**

**H.3800 WRECKER OR VEHICLE TOWING SERVICES ON LAW  
ENFORCEMENT AGENCY CALL ROTATION LISTS Rep. Harrell**

This bill provides that in order for a wrecker or vehicle towing service to be included on a call rotation list maintained by the South Carolina Highway Patrol or any other law enforcement agency, the wrecker or towing service must accept full payment in the form of a valid credit card issued by the two largest nationally franchised credit card companies. The provision is in addition to any other existing requirements for inclusion on such a call rotation list. This provision may not be construed to

prohibit a wrecker or towing service from accepting payment by means of credit cards issued by other credit card companies. A wrecker or towing service failing to comply with this requirement must be removed from the rotation list by the law enforcement agency maintaining the list. A wrecker or towing service, once removed from a rotation list for noncompliance with this provision, must be reinstated upon compliance, if it is otherwise eligible.

**H.3808 COMPANIES OFFERING MEDICARE SUPPLEMENTAL HEALTH INSURANCE COVERAGE Rep. Fleming**

This bill provides that if any company offers Medicare supplemental health insurance coverage (as defined under Section 1882(g)(1) of the Social Security Act) to persons under sixty-five years of age or to persons sixty-five years of age or older, the company shall provide for an open enrollment period of not less than six months for all such age categories of persons. No such person desiring this coverage, and applying for it during the period of open enrollment, shall be denied the coverage. A company must offer Medicare supplemental health insurance coverage to persons under sixty-five years of age who qualify for the coverage whether due to social security disability or any other reason.

**H.3810 IMMUNITY FOR DIRECTORS OF COUNTY PUBLIC DEFENDER CORPORATIONS Rep. Fleming**

This bill provides that the board of directors of a county's public defender corporation is not liable for a loss resulting from the acts or omissions of the public defender, assistant defenders, or other employees acting within the scope of their official duties pursuant to the provisions of this chapter when the acts or omissions are done or made in good faith and do not constitute gross negligence, recklessness, wilfulness, or wantonness.

**H.3811 MOTOR VEHICLE SAFETY GLASS REPAIR BUSINESS PRACTICES Rep. Altman**

This bill provides that it is an unfair trade practice and unlawful for a person who is connected with or engaged in a motor vehicle body or other motor vehicle repair business to offer or make a payment or transfer of money or other consideration to: (1) a third person for the third person's referral of an insurance claimant to the motor vehicle body or motor vehicle repair business for the repair or replacement of automobile safety glass; or (2) an insurance claimant in connection with the repair or replacement of automobile safety glass. A person who is connected with or engaged in a motor vehicle body or other motor vehicle repair business is guilty of insurance fraud if the person offers or makes a payment or transfer of money or other consideration to: (1) a third person for the third person's referral of an insurance claimant to the motor vehicle body or motor vehicle repair business for the repair or replacement of automobile safety glass; or (2) an insurance claimant in connection with the repair or replacement of automobile safety glass. If the amount of the payment or transfer has a value of: (1) more than one thousand dollars, the person is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than five years, or both; (2) less than one thousand dollars, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty



days, or both. The insurer must inform the insured or a qualified applicant of the option to elect to apply an automobile physical damage insurance coverage deductible or policy deductible to automobile safety glass. The insurer must provide to the insured or qualified applicant a brief written explanation of the deductible, a list of available deductibles, and the range of premiums for deductibles. The written document must include the signature of the insured or qualified applicant verifying that he received the information and a designation of whether he chooses to accept or reject the deductible.

**H.3813 INSURANCE COVERAGE FOR "LOANER" VEHICLES Rep. Cato**

This bill provides that each motor vehicle liability insurance policy, motor vehicle physical damage insurance policy, motor vehicle uninsured and underinsured motorist insurance policy, and motor vehicle insurance policy covering death or bodily injury insuring a motor vehicle licensed in this State, or the occupants of the motor vehicle, must extend its coverage to include a motor vehicle operated by the insured individual and its occupants if the motor vehicle is loaned by a licensed automobile dealer, without compensation from the insured, to the insured for use as a: (1) temporary substitute motor vehicle while the insured's motor vehicle is out of use because of breakdown, repair, or servicing; or (2) demonstrator motor vehicle. This coverage extends to the loaned motor vehicle only to the extent of the coverage provided on the motor vehicle: (1) being repaired or serviced; or (2) owned by the insured. This extension coverage is primary. A written loaner agreement or a demonstration agreement must include on its face a clause outlining the acceptance of 'primary insurance coverage' and this clause must be signed separately and dated separately by the insured user.

**H.3822 INSURANCE SOLD IN CONNECTION WITH THE RENTAL OF A MOTOR VEHICLE Rep. Cato**

This bill revises automobile insurance provisions so as to provide the Director of the Department of Insurance the authority to issue to a rental company a limited license which authorizes the company to offer or sell insurance in connection with the rental of a motor vehicle.

**H.3840 ENFORCEMENT OF NATIONAL BUILDING CODES Rep. Edge**

This bill requires all State agencies charged with enforcing national building codes to adopt the latest edition of the code. Certain exceptions are provided. The legislation establishes procedures for the adoption of these codes, including notice in the State Register and the opportunity for public comment. The bill requires proposed codes receiving negative comments or subject to proposed agency amendments to be promulgated as regulations.

**H.3841 SOUTH CAROLINA BUILDING CODES COUNCIL Rep. Edge**

This bill revises provisions relating to the South Carolina Building Codes Council, so as to add a representative of the modular building industry and a code enforcement officer to the membership of the council. The bill makes all members voting members. The legislation revises provisions for the call of meetings so as to provide that the council shall meet at least two times a year and at other times upon the call of the chairman or a majority of the council.

**S.62 PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS Sen. Mescher**

This bill revises provisions relating to the Public Service Authority Board of Directors, so as to provide that members of the board of the authority appointed from Horry, Berkeley, and Georgetown Counties must be customers of the authority and reside in authority territory.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3817 PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN  
COMMUNITY RESIDENTIAL CARE FACILITIES Rep. J. Brown**

This bill provides that in community residential care facilities, the provision of selected prescribed medications may be performed by selected unlicensed persons with documented medication training and skill competency evaluation. The provision of medications by selected unlicensed persons is limited to oral and topical medications and to regularly scheduled insulin and prescribed anaphylactic treatments under established medical protocol. It does not include sliding scale insulin or other injectable medications. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing competency evaluations, may approve selected unlicensed persons for the provision of medications.

**WAYS AND MEANS**

**H.3801 POTENTIAL 2000-2001 BUDGET CUTS Rep. Harrell**

This bill provides that appropriations for programs related to the education of students in elementary, secondary, and higher education, as specified in the bill, are exempt from any fiscal year 2000-2001 budget reductions. The bill allows the State Budget and Control Board (the Board) to also exempt from any mid-year reductions an agency's base budget where the Board has officially recognized an agency's operating deficit. The bill also provides that no such reduction shall be ordered by the Board while the General Assembly is in session without first reporting such necessity to the General Assembly, and the General Assembly has taken no action to prevent the reduction within fifteen statewide session days of formal written notification. Currently, the General Assembly must take action to prevent the reduction within five statewide session days of formal written notification.

**H.3804 TUITION FOR SPOUSES OF FIREMEN, LAW-ENFORCEMENT  
OFFICERS, AND GOVERNMENT EMPLOYEES TOTALLY  
DISABLED OR KILLED IN THE LINE OF DUTY Rep. Keegan**

Currently, if a fireman, law-enforcement officer, or government employee is totally disabled or killed in the line of duty, his or her children may be exempt from tuition charges for a period of four school years by any state-supported college, university, vocational or technical school. This bill provides the same benefit to the spouse of



such a fireman, officer, or employee, so long as the spouse is not remarried in the case of the death of the fireman, officer, or employee.

**H.3818 "SOUTH CAROLINA GENERAL OBLIGATION BOND FISCAL RESPONSIBILITY ACT" Rep. Campsen**

Effective July 1, 2002, this bill provides that state general obligation bonds may be authorized by the General Assembly in a bill or joint resolution enacted only in odd-numbered years and only following the enactment in that year of a joint resolution, the subject matter of which is limited to the purpose of specifically allowing a bond authorization for the year. The bill further provides that the joint resolution must be in effect before a bill or joint resolution authorizing bonds may be given first reading in the House or in the Senate.

The bill also provides that a bill or joint resolution authorizing state general obligation bonds may not be given third reading in the House or Senate or reported from a committee of conference or free conference unless it is accompanied by the certificate of the State Treasurer stating that debt service on all outstanding general obligation bonds, when added to the treasurer's estimate of debt service on all such previously authorized but unissued bonds, and the bonds authorized in the bill or joint resolution, regardless of the authorization date, does not exceed the then current limit on debt service imposed pursuant to Section 13(6)(c), Article X of the *South Carolina Constitution*.

**S.219 INVESTMENT OF STATE FUNDS Sen. Leatherman**

This bill authorizes the State Treasurer to invest State funds in corporations and in states and political subdivisions outside of South Carolina, so long as the obligations are denominated in United States dollars and the obligations bear an investment grade rating of at least two nationally recognized rating services.

The bill also authorizes investment in guaranteed investment contracts issued by a domestic or foreign insurance company or other financial institution, whose long-term unsecured debt rating bears the two highest ratings of at least two nationally recognized rating services.

The bill also authorizes the State Treasurer to contract to lend invested securities.

**H.3851 USE OF ACCOMMODATIONS TAX REVENUE Rep. J.E. Smith**

This bill adds "other tourism-related lands and water access" to the list of purposes for which accommodations tax revenues must be used.

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## LEGISLATIVE UPDATE

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